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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 ALEX DOMINGUEZ,) CASE NO. 08 CV 388-L LSP
12 Plaintiff,)
13 vs.) DECLARATION OF JOHN S. WARD
14 FOUR WINDS INTERNATIONAL) REGARDING JOINT DISCOVERY
CORPORATION,) PLAN
15 Defendant.)
16

17 I, John S. Ward, hereby declare:

18 1. I am an attorney licensed to practice before this court, and am attorney
19 of record for defendant Four Winds International Corporation. I make this
20 declaration of my own personal knowledge and, if called upon to testify, could and
21 would competently testify thereto.

22 2. Plaintiff's counsel and I have been unable to agree on the Joint
23 Discovery Plan, which was due to be filed on July 31, 2008. Attached as Exhibit 1
24 is the text of the draft which Mr. Anderson described as the "final version," in an
25 email at 2:55 p.m. on July 30, 2008. I responded at 4:50 p.m. with a "Reply" to the
26 section entitled "Plaintiff's Response to Defendant's Statement." The reply portion
27 is in italics at pages 5 and 6. This reply did not introduce new matters, but only
28 addressed cases cited and arguments inserted by plaintiff, for the first time, in the

1 "final version." Plaintiff's Response and Defendant's Reply sections should be
2 irrelevant to the purpose of the Joint Discovery Plan and the Case Management
3 Conference. However, the extensive argument and citations presented by plaintiff
4 suggested that he sought a determination on the merits of the issue at the CMC, so I
5 needed to clarify the facts and authorities, and correct a mis-quote of a Supreme Court
6 decision.

7 3. On July 31, 2008, there ensued a series of e-mails and new drafts from
8 Mr. Anderson containing new proposed revisions. The latest draft was received at
9 3:43 p.m., which contained a brand new plaintiff's section with accusations against
10 me personally. I could not sign such a document without responding thereto, but also
11 could not engage in an endless series of e-mails and revisions.

12 4. The problematic issue is whether this court should, at the Case
13 Management Conference, discuss the issue of whether Christy Dominguez, the co-
14 owner of the motor home, should be added as a plaintiff. "Defendant's Summary" at
15 pages 2-3, mentions this issue as one of several that the court may wish to consider.
16 Defendant believes that the possible addition of new parties is a proper subject for
17 discussion at the CMC. This is not a complex case, and this issue could be resolved
18 informally, without further delay and expense. This court may decide to resolve the
19 issue sua sponte, direct plaintiff to amend the complaint to comply with Rule 19(c),
20 direct defendant to file a motion for joinder, or propose another solution. I did not
21 expect the Joint Discovery Plan to substitute for a motion, but did believe the court
22 should be aware of the issue.

23 I declare under the penalty of perjury under the laws of the state of California
24 that the foregoing is true and correct.

25 Executed this 1st day of August, 2008.

26
27 /s/
28 John S. Ward